

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

BENJAMIN KUNZE, *et al.*,

Plaintiffs,

v.

BAYLOR SCOTT & WHITE HEALTH,  
*et al.*,

Defendants.

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Civil Action No. 3:20-CV-1276-N

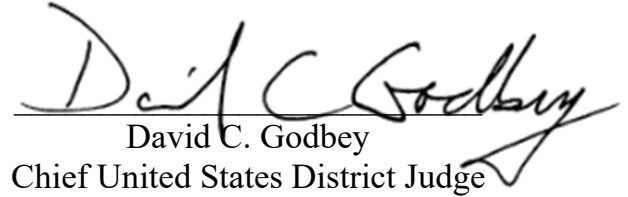
**ORDER**

This Order addresses Plaintiffs’ motion for partial summary judgment regarding liquidated damages [102]. After reviewing the parties’ briefs and considering the arguments, the Court determines that there are triable fact issues as to whether Defendants acted in good faith when setting up the API timekeeping system. Accordingly, the Court denies the motion.

Furthermore, the Court writes to clarify its prior Order granting in part and denying in part Plaintiffs’ motion for partial summary judgment regarding liability [94]. Although the Court analyzed the safe harbor and window of corrections defenses in the alternative, Defendants HealthTexas Provider Network (“HTPN”) and Baylor Scott and White Health (“BSWH”) cannot invoke these defenses because they did not pay Plaintiffs on a salary basis. Mem. Op. & Order 12 (“As discussed in Section V, the Court concludes that Defendants did not pay Plaintiffs on a salary basis from April 2017 to October 2019. Accordingly, the window of corrections and safe harbor defenses cannot shield Defendants

from FLSA liability.”). As such, FLSA liability has already been determined as to HTPN. However, Plaintiffs must first establish BSWH’s status as Plaintiffs’ joint employer before BSWH may be found liable for the underlying FLSA violation.

Signed May 17, 2023.

  
David C. Godbey  
Chief United States District Judge